

Calendar No. 995

110TH CONGRESS
2D SESSION**S. 3045**

To establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2008

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italics]

A BILL

To establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kenai Mountains-
5 Turnagain Arm National Forest Heritage Area Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Kenai Mountains-Turnagain Arm trans-
4 portation corridor—

5 (A) is a major gateway to Alaska;

6 (B) includes a range of transportation
7 routes used by—

8 (i) indigenous people; and

9 (ii) the pioneers that settled the last
10 frontier of the United States;

11 (C) is located in the heart of the Chugach
12 National Forest, which was established by pres-
13 idential proclamation on July 23, 1907, by
14 Theodore Roosevelt; and

15 (D) includes a historically significant seg-
16 ment of the Iditarod Trail connecting Seward
17 and Nome, which was—

18 (i) scouted by the Alaska Road Com-
19 mission in 1908; and

20 (ii) designated as the Iditarod Na-
21 tional Historic Trail in 1978;

22 (2) the cultural landscape formed by indigenous
23 people and by settlement, transportation, and mod-
24 ern resource development in the rugged and often
25 treacherous natural setting of the transportation
26 corridor provides a powerful testimony to the human

1 fortitude, perseverance, and resourcefulness of the
 2 people who—

3 (A) settled the frontier; and

4 (B) represent the proudest heritage of the
 5 United States;

6 (3) the natural history and scenic splendor of
 7 the transportation corridor are equally outstanding;

8 (4) the transportation corridor includes vistas
 9 of the power of nature, such as evidence of earth-
 10 quake subsidence, recent avalanches, retreating gla-
 11 ciers, and tidal action along Turnagain Arm, which
 12 has the second greatest tidal range in the world;

13 (5) there is a national interest in recognizing,
 14 preserving, promoting, and interpreting the re-
 15 sources of the transportation corridor;

16 (6) the Kenai Mountains-Turnagain Arm region
 17 is—

18 (A) geographically and culturally cohesive;

19 and

20 (B) defined by a corridor of historic routes,
 21 trails, water, railroads, and roadways through a
 22 distinct landscape of mountains, lakes, and
 23 fjords;

24 (7) the region played a unique role as a portal
 25 and transportation corridor through which indige-

nous people, explorers, missionaries, gold miners, cannery workers, big game hunters, homesteaders, foresters, railroad workers, military personnel, and petroleum developers traveled into southcentral and interior Alaska as part of the waves of travel that characterized the history of the United States;

(8) the region exhibits a high degree of integrity with vast tracks of rugged, undeveloped areas and natural scenery that still look much as the area did to the original inhabitants, the indigenous people, and early explorers and pioneers of the region;

(9) studies that led to the designation of the Iditarod National Historic Trail, the Seward Highway All American Road, and the Alaska Railroad National Scenic Railroad—

(A) determined the national significance of separate transportation routes traversing the region; and

(B) illustrate the national significance of heritage resources in the region;

(10) designation of the transportation corridor as a national heritage area—

(A) provides for a comprehensive interpretation of human history in the wide transportation corridor through the Kenai Mountains

1 and upper Turnagain Arm, including early Na-
 2 tive trade routes, historic waterways, mining
 3 trails, historic communities, and the 3 des-
 4 ignated routes of national significance referred
 5 to in paragraph (9);

6 (B) recognizes the national significance of
 7 the Kenai Mountains-Turnagain Arm transpor-
 8 tation corridor, including—

9 (i) the historic and modern resource
 10 development of the transportation corridor;
 11 and

12 (ii) the cultural, natural, and rec-
 13 reational resources and landscapes of the
 14 transportation corridor; and

15 (C) would provide assistance to local com-
 16 munities, Indian tribes, and residents of the
 17 transportation corridor in—

18 (i) preserving and interpreting cul-
 19 tural and historic resources; and

20 (ii) fostering cooperative planning and
 21 partnerships;

22 (11) an additional feasibility study for the Her-
 23 itage Area is not needed before designation of the
 24 Heritage Area because the studies referred to in
 25 paragraph (9) provide sufficient documentation of—

1 (A) the national significance of heritage re-
2 sources in the region; and

3 (B) the support of local communities for
4 designation of the Heritage Area; and

5 (12) the Kenai Mountains-Turnagain Arm Na-
6 tional Forest Heritage Corridor Communities Asso-
7 ciation—

8 (A) has been formed as a nonprofit cor-
9 poration to act as the Local Coordinating Enti-
10 ty for the Heritage Area; and

11 (B) is governed by bylaws that define the
12 purposes of the Association as the purposes es-
13 tablished by Congress for the Kenai Mountains-
14 Turnagain Arm National Forest Heritage Area.

15 (b) PURPOSES.—The purposes of this Act are—

16 (1) to recognize, preserve, and interpret the his-
17 toric and modern resource development and cultural
18 landscapes of the Kenai Mountains-Turnagain Arm
19 historic transportation corridor; and

20 (2) to promote and facilitate the public enjoy-
21 ment of the resources.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) HERITAGE AREA.—The term “Heritage
25 Area” means the Kenai Mountains-Turnagain Arm

1 National Forest Heritage Area established by sec-
 2 tion 4(a).

3 ~~(2) LOCAL COORDINATING ENTITY.~~—The term
 4 “Local Coordinating Entity” means the local coordi-
 5 nating entity for the Heritage Area designated by
 6 section 5(a).

7 ~~(3) MANAGEMENT PLAN.~~—The term “manage-
 8 ment plan” means the management plan for the
 9 Heritage Area developed under section 6.

10 (4) MAP.—The term “map” means the map en-
 11 titled “Draft Proposed NHA Kenai Mountains-
 12 Turnagain Arm” and dated August 7, 2007.

13 (5) SECRETARY.—The term “Secretary” means
 14 the Secretary of Agriculture.

15 (6) STATE.—The term “State” means the State
 16 of Alaska.

17 **SEC. 4. ESTABLISHMENT OF KENAI MOUNTAINS-**
 18 **TURNAGAIN ARM NATIONAL FOREST HERIT-**
 19 **AGE AREA.**

20 (a) ESTABLISHMENT.—There is established in the
 21 State the Kenai Mountains-Turnagain Arm National For-
 22 est Heritage Area.

23 (b) BOUNDARIES.—The Heritage Area shall be com-
 24 prised of the land in the Kenai Mountains and upper
 25 Turnagain Arm region, as generally depicted on the map.

1 (c) ~~AVAILABILITY OF MAP.~~—The map shall be on file
2 and available for public inspection in—

3 (1) the appropriate offices of the Forest Serv-
4 ice, Chugach National Forest;

5 (2) the Alaska Regional Office of the National
6 Park Service; and

7 (3) the Alaska State Historic Preservation Offi-
8 cer.

9 **SEC. 5. LOCAL COORDINATING ENTITY.**

10 (a) ~~DESIGNATION.~~—The Kenai Mountains-
11 Turnagain Arm National Forest Heritage Corridor Com-
12 munities Association, a nonprofit corporation chartered in
13 the State, shall be the local coordinating entity for the
14 Heritage Area.

15 (b) ~~DUTIES.~~—To further the purposes of the Herit-
16 age Area, the Local Coordinating Entity shall—

17 (1) in accordance with section 6, prepare and
18 submit to the Secretary a management plan for the
19 Heritage Area;

20 (2) for any fiscal year for which the Local Co-
21 ordinating Entity receives Federal funds under this
22 Act—

23 (A) submit an annual report to the Sec-
24 retary that describes—

1 (i) the specific performance goals and
 2 accomplishments of the Local Coordinating
 3 Entity;

4 (ii) the expenses and income of the
 5 Local Coordinating Entity;

6 (iii) the amounts and sources of
 7 matching funds;

8 (iv) the amounts leveraged with Fed-
 9 eral funds and the sources of the
 10 leveraging; and

11 (v) any grants made to any other enti-
 12 ties during the fiscal year; and

13 (B) make available to the Secretary for
 14 audit any information relating to the expendi-
 15 ture of—

16 (i) the Federal funds; and

17 (ii) any matching funds; and

18 (3) encourage, consistent with the purposes of
 19 the Heritage Area, the economic viability and sus-
 20 tainability of the Heritage Area.

21 (c) AUTHORITIES.—For the purposes of developing
 22 and implementing the management plan for the Heritage
 23 Area, and subject to section 9(e), the Local Coordinating
 24 Entity may use Federal funds made available under this
 25 Act to—

1 ~~(1) make grants to units of local government,~~
 2 ~~nonprofit organizations, and other parties within the~~
 3 ~~Heritage Area;~~

4 ~~(2) enter into agreements with, or provide tech-~~
 5 ~~nical assistance to, Federal agencies, units of local~~
 6 ~~government, nonprofit organizations, and other in-~~
 7 ~~terested parties;~~

8 ~~(3) hire and compensate staff, including individ-~~
 9 ~~uals with expertise in—~~

10 ~~(A) natural, historic, cultural, educational,~~
 11 ~~scenic, and recreational resource conservation;~~

12 ~~(B) economic and community development;~~
 13 ~~and~~

14 ~~(C) heritage planning;~~

15 ~~(4) obtain funds or services from any source,~~
 16 ~~including other Federal laws or programs;~~

17 ~~(5) contract for goods or services; and~~

18 ~~(6) support activities of partners and any other~~
 19 ~~activities that—~~

20 ~~(A) further the purposes of the Heritage~~
 21 ~~Area; and~~

22 ~~(B) are consistent with the management~~
 23 ~~plan.~~

24 ~~(d) PUBLIC MEETINGS.—~~

1 ~~(1) IN GENERAL.~~—Annually, the Local Coordinating Entity shall conduct at least 2 meetings open to the public regarding the development and implementation of the management plan.

5 ~~(2) NOTICE; AVAILABILITY OF MINUTES.~~—The Local Coordinating Entity shall—

7 ~~(A)~~ publish a notice of each public meeting in a newspaper of general circulation in the Heritage Area; and

10 ~~(B)~~ make the minutes of the meeting available to the public.

12 ~~(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.~~—The Local Coordinating Entity shall not use Federal funds authorized under this Act to acquire any interest in real property.

16 **SEC. 6. MANAGEMENT PLAN.**

17 ~~(a) IN GENERAL.~~—Not later than 3 years after the date on which funds are first made available to develop the management plan, the Local Coordinating Entity shall submit to the Secretary for approval a management plan for the Heritage Area.

22 ~~(b) REQUIREMENTS.~~—The management plan shall—

23 ~~(1)~~ include—

24 ~~(A)~~ a list of comprehensive policies, goals, strategies, and recommendations for actions

1 and projects consistent with the purposes of the
2 Heritage Area;

3 ~~(B)~~ a description of proposed actions and
4 financial commitments of governments (includ-
5 ing tribal governments) and private organiza-
6 tions that would accomplish the purposes of the
7 Heritage Area;

8 ~~(C)~~ a description of the role and participa-
9 tion of the Federal Government and State, trib-
10 al, and local governments that have jurisdiction
11 over land within the Heritage Area; and

12 ~~(D)~~ an inventory of the natural, historic,
13 cultural, educational, scenic, and recreational
14 resources of the Heritage Area that should be
15 protected, enhanced, interpreted, managed,
16 funded, and developed;

17 ~~(2)~~ identify existing and potential sources of
18 funding to accomplish the recommended actions and
19 projects for the Heritage Area;

20 ~~(3)~~ include a business plan that—

21 ~~(A)~~ describes the role, operation, financing,
22 and functions of—

23 ~~(i)~~ the Local Coordinating Entity; and

24 ~~(ii)~~ each of the major activities ad-
25 dressed in the management plan; and

1 ~~(B)~~ provides adequate assurances that the
 2 Local Coordinating Entity has the partnerships
 3 and financial and other resources necessary to
 4 implement the management plan; and

5 ~~(4)~~ be consistent with Federal, State, borough,
 6 and local plans, including—

7 ~~(A)~~ the plans for the Chugach National
 8 Forest and the Kenai Fjords National Park;
 9 and

10 ~~(B)~~ State transportation and historic man-
 11 agement plans.

12 ~~(c) TERMINATION OF FUNDING.—If the Local Co-~~
 13 ~~ordinating Entity does not submit the management plan~~
 14 ~~to the Secretary by the date that is 3 years after the date~~
 15 ~~on which funds are first made available to develop the~~
 16 ~~management plan, the Local Coordinating Entity shall be~~
 17 ~~ineligible to receive additional funding under this Act until~~
 18 ~~the date on which the management plan is approved by~~
 19 ~~the Secretary.~~

20 ~~(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT~~
 21 ~~PLAN.—~~

22 ~~(1) IN GENERAL.—Not later than 180 days~~
 23 ~~after the date of receipt of the management plan~~
 24 ~~under subsection (a), the Secretary shall approve or~~
 25 ~~disapprove the management plan.~~

1 (2) ~~CONSIDERATIONS.~~—In determining whether
2 to approve or disapprove the management plan
3 under paragraph (1), the Secretary shall consider
4 whether—

5 (A) the Local Coordinating Entity—

6 (i) has afforded adequate opportuni-
7 ties for public and governmental involve-
8 ment in the preparation of the manage-
9 ment plan; and

10 (ii) provides for at least semiannual
11 public meetings to ensure adequate imple-
12 mentation of the management plan;

13 (B) the resource protection, enhancement,
14 interpretation, funding, management, and de-
15 velopment strategies described in the manage-
16 ment plan, if implemented, would adequately
17 protect, enhance, interpret, fund, manage, and
18 develop the natural, historic, cultural, edu-
19 cational, scenic, and recreational resources of
20 the Heritage Area;

21 (C) the management plan—

22 (i) is consistent with applicable Fed-
23 eral, State, borough, and local plans; and

24 (ii) would not adversely affect any ac-
25 tivities authorized on Federal land;

1 (D) the Local Coordinating Entity, in
2 partnership with other entities, has dem-
3 onstrated the financial capability to carry out
4 the management plan;

5 (E) the Secretary has received adequate
6 assurances from State and local officials, the
7 support of which is needed to ensure the effec-
8 tive implementation of the State and local ele-
9 ments of the management plan; and

10 (F) the management plan demonstrates
11 sufficient partnerships among the Local Coordi-
12 nating Entity, the Federal Government, State
13 and local governments, regional planning orga-
14 nizations, nonprofit organizations, or private
15 sector parties to implement the management
16 plan.

17 (3) ACTION FOLLOWING DISAPPROVAL.—If the
18 Secretary disapproves the management plan under
19 paragraph (1), the Secretary shall—

20 (A) advise the Local Coordinating Entity
21 in writing of the reasons for the disapproval;

22 (B) make recommendations for revisions to
23 the management plan; and

24 (C) not later than 180 days after the re-
25 ceipt of any proposed revision of the manage-

1 ment plan; approve or disapprove the proposed
2 revision.

3 ~~(c) AMENDMENTS.—~~

4 ~~(1) IN GENERAL.—~~The Secretary shall review
5 and approve any substantial amendments to the
6 management plan in accordance with subsection ~~(d)~~.

7 ~~(2) USE OF FUNDS.—~~Funds made available
8 under this Act shall not be expended by the Local
9 Coordinating Entity to implement any changes made
10 by an amendment described in paragraph ~~(1)~~ until
11 the Secretary approves the amendment.

12 ~~(f) IMPLEMENTATION.—~~In implementing the man-
13 agement plan; the Local Coordinating Entity shall give
14 priority to—

15 ~~(1)~~ carrying out programs that recognize impor-
16 tant resource values within the Heritage Area;

17 ~~(2)~~ encouraging economic viability in the af-
18 fected communities;

19 ~~(3)~~ establishing and maintaining interpretive
20 exhibits within the Heritage Area;

21 ~~(4)~~ improving and interpreting heritage trails;

22 ~~(5)~~ increasing public awareness of, and appre-
23 ciation for, the natural, historic, and cultural re-
24 sources of the Heritage Area, including the contribu-
25 tions of local Indian tribes;

1 (6) providing opportunities for expanding the
2 public perception of the need for modern resource
3 development of the Heritage Area;

4 (7) restoring historic buildings and structures
5 that are located within the Heritage Area; and

6 (8) ensuring that clear, consistent, and appro-
7 priate signs identifying public access points and sites
8 of interest are appropriately placed in the Heritage
9 Area.

10 **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

11 (a) MEMORANDUM OF UNDERSTANDING.—The Sec-
12 retary shall enter into a memorandum of understanding
13 with the Secretary of the Interior to establish a general
14 framework for cooperation and consultation in the devel-
15 opment and implementation of the management plan.

16 (b) AUTHORITIES.—The Secretary may—

17 (1) subject to the availability of funds, provide
18 technical and financial assistance for the develop-
19 ment and implementation of the management plan;

20 (2) enter into cooperative agreements with in-
21 terested parties to carry out this Act; and

22 (3) in partnership with the Local Coordinating
23 Entity, provide information on, promote under-
24 standing of, and encourage research on the Heritage
25 Area.

1 (c) INFORMATION RELEASED BY THE SECRETARY OF
 2 THE INTERIOR.—The Secretary of the Interior shall in-
 3 clude the Heritage Area in all nationwide releases, listings,
 4 or maps that provide public information about the system
 5 of national heritage areas.

6 **SEC. 8. PRIVATE PROPERTY PROTECTIONS.**

7 (a) IN GENERAL.—Nothing in this Act—

8 (1) grants powers of zoning or management of
 9 land use to the Local Coordinating Entity;

10 (2) modifies, enlarges, or diminishes any au-
 11 thority of the Federal Government or any State,
 12 tribal, or local government to manage or regulate
 13 any use of land under applicable laws (including reg-
 14 ulations);

15 (3) requires any private property owner to allow
 16 public access to the private property, including ac-
 17 cess by the Federal Government or tribal, State, or
 18 local governments;

19 (4) modifies any provision of Federal, tribal,
 20 State, or local law with respect to public access to,
 21 or use of, private property;

22 (5) obstructs or limits—

23 (A) business activities on private develop-
 24 ments; or

25 (B) resource development activities;

1 (6) affects the rights of private property own-
2 ers;

3 (7) restricts or limits an Indian tribe from pro-
4 tecting cultural or religious sites on tribal or Native
5 Corporation land; or

6 (8) requires the owner of any private property
7 located within the boundaries of the Heritage Area
8 to participate in, or be associated with, the Heritage
9 Area.

10 (b) ~~APPLICABLE LAW.~~—Designation of the Heritage
11 Area under this Act does not convey status to the Heritage
12 Area as a conservation system unit (as defined in section
13 102 of the Alaska National Interest Lands Conservation
14 Act (16 U.S.C. 3102)).

15 (c) ~~LIABILITY.~~—Designation of the Heritage Area
16 does not create any liability for, or affect any liability
17 under any other law of, any private property owner with
18 respect to a person injured on the private property.

19 (d) ~~EFFECT OF ESTABLISHMENT.~~—Designation of
20 the Heritage Area does not establish any regulatory au-
21 thority on land use within the Heritage Area or the
22 viewshed for the Federal Government or any State or local
23 government.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) ~~IN GENERAL.~~—Subject to subsection (b), there
3 are authorized to be appropriated and made available to
4 the Local Coordinating Entity to carry out the develop-
5 ment and implementation of the management plan—

6 (1) \$350,000 for fiscal year 2008; and

7 (2) \$500,000 for fiscal year 2009 and each fis-
8 cal year thereafter.

9 (b) ~~LIMITATION.~~—Notwithstanding subsection (a),
10 not more than \$7,500,000 is authorized to be appro-
11 priated for the Heritage Area.

12 (c) ~~COST SHARING REQUIREMENT.~~—To the max-
13 imum extent practicable, the Federal share of the total
14 cost of any activity carried out using assistance under this
15 Act shall be not more than 75 percent, including the con-
16 tribution of in-kind services.

17 **SEC. 10. TERMINATION OF AUTHORITY.**

18 The authority of the Secretary to provide assistance
19 under this Act terminates on the date that is 15 years
20 after the date of enactment of this Act.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Kenai Mountains-*
23 *Turnagain Arm National Heritage Area Act”.*

24 **SEC. 2. DEFINITIONS.**

25 *In this Act:*

1 (1) *HERITAGE AREA.*—The term “Heritage
2 Area” means the Kenai Mountains-Turnagain Arm
3 National Heritage Area established by section 3(a).

4 (2) *LOCAL COORDINATING ENTITY.*—The term
5 “local coordinating entity” means the Kenai Moun-
6 tains-Turnagain Arm Corridor Communities Associa-
7 tion.

8 (3) *MANAGEMENT PLAN.*—The term “manage-
9 ment plan” means the plan prepared by the local co-
10 ordinating entity for the Heritage Area that specifies
11 actions, policies, strategies, performance goals, and
12 recommendations to meet the goals of the Heritage
13 Area, in accordance with this Act.

14 (4) *MAP.*—The term “map” means the map enti-
15 tled “Proposed NHA Kenai Mountains Turnagain
16 Arm” and dated August 7, 2007.

17 (5) *SECRETARY.*—The term “Secretary” means
18 the Secretary of the Interior.

19 **SEC. 3. DESIGNATION OF THE KENAI MOUNTAIN-**
20 **TURNAGAIN ARM NATIONAL HERITAGE AREA.**

21 (a) *ESTABLISHMENT.*—There is established the Kenai
22 Mountain-Turnagain Arm National Heritage Area.

23 (b) *BOUNDARIES.*—The Heritage Area shall be com-
24 prised of the land in the Kenai Mountains and upper
25 Turnagain Arm region, as generally depicted on the map.

1 (c) *AVAILABILITY OF MAP.*—*The map shall be on file*
 2 *and available for public inspection in—*

3 (1) *the appropriate offices of the Forest Service,*
 4 *Chugach National Forest;*

5 (2) *the Alaska Regional Office of the National*
 6 *Park Service; and*

7 (3) *the office of the Alaska State Historic Preser-*
 8 *vation Officer.*

9 **SEC. 4. MANAGEMENT PLAN.**

10 (a) *LOCAL COORDINATING ENTITY.*—*The local coordi-*
 11 *nating entity, in partnership with other interested parties,*
 12 *shall develop a management plan for the Heritage Area in*
 13 *accordance with this section.*

14 (b) *REQUIREMENTS.*—*The management plan for the*
 15 *Heritage Area shall—*

16 (1) *describe comprehensive policies, goals, strate-*
 17 *gies, and recommendations for use in—*

18 (A) *telling the story of the heritage of the*
 19 *area covered by the Heritage Area; and*

20 (B) *encouraging long-term resource protec-*
 21 *tion, enhancement, interpretation, funding, man-*
 22 *agement, and development of the Heritage Area;*

23 (2) *include a description of actions and commit-*
 24 *ments that the Federal Government, State, tribal, and*
 25 *local governments, private organizations, and citizens*

1 *will take to protect, enhance, interpret, fund, manage,*
2 *and develop the natural, historical, cultural, edu-*
3 *cational, scenic, and recreational resources of the Her-*
4 *itage Area;*

5 (3) *specify existing and potential sources of*
6 *funding or economic development strategies to protect,*
7 *enhance, interpret, fund, manage, and develop the*
8 *Heritage Area;*

9 (4) *include an inventory of the natural, histor-*
10 *ical, cultural, educational, scenic, and recreational re-*
11 *sources of the Heritage Area relating to the national*
12 *importance and themes of the Heritage Area that*
13 *should be protected, enhanced, interpreted, managed,*
14 *funded, and developed;*

15 (5) *recommend policies and strategies for re-*
16 *source management, including the development of*
17 *intergovernmental and interagency agreements to pro-*
18 *tect, enhance, interpret, fund, manage, and develop*
19 *the natural, historical, cultural, educational, scenic,*
20 *and recreational resources of the Heritage Area;*

21 (6) *describe a program for implementation for*
22 *the management plan, including—*

23 (A) *performance goals;*

1 (B) plans for resource protection, enhance-
 2 ment, interpretation, funding, management, and
 3 development; and

4 (C) specific commitments for implementa-
 5 tion that have been made by the local coordi-
 6 nating entity or any Federal, State, tribal, or
 7 local government agency, organization, business,
 8 or individual;

9 (7) include an analysis of, and recommendations
 10 for, means by which Federal, State, tribal, and local
 11 programs may best be coordinated (including the role
 12 of the National Park Service, the Forest Service, and
 13 other Federal agencies associated with the Heritage
 14 Area) to further the purposes of this Act; and

15 (8) include a business plan that—

16 (A) describes the role, operation, financing,
 17 and functions of the local coordinating entity
 18 and each of the major activities contained in the
 19 management plan; and

20 (B) provides adequate assurances that the
 21 local coordinating entity has the partnerships
 22 and financial and other resources necessary to
 23 implement the management plan for the Herit-
 24 age Area.

25 (c) DEADLINE.—

1 (1) *IN GENERAL.*—Not later than 3 years after
2 the date on which funds are first made available to
3 develop the management plan after the date of enact-
4 ment of this Act, the local coordinating entity shall
5 submit the management plan to the Secretary for ap-
6 proval.

7 (2) *TERMINATION OF FUNDING.*—If the manage-
8 ment plan is not submitted to the Secretary in ac-
9 cordance with paragraph (1), the local coordinating
10 entity shall not qualify for any additional financial
11 assistance under this Act until such time as the man-
12 agement plan is submitted to and approved by the
13 Secretary.

14 (d) *APPROVAL OF MANAGEMENT PLAN.*—

15 (1) *REVIEW.*—Not later than 180 days after re-
16 ceiving the management plan under subsection (c),
17 the Secretary shall review and approve or disapprove
18 the management plan for a Heritage Area on the
19 basis of the criteria established under paragraph (3).

20 (2) *CONSULTATION.*—The Secretary shall consult
21 with the Governor of the State in which the Heritage
22 Area is located before approving a management plan
23 for the Heritage Area.

1 (3) *CRITERIA FOR APPROVAL.*—*In determining*
 2 *whether to approve a management plan for the Herit-*
 3 *age Area, the Secretary shall consider whether—*

4 (A) *the local coordinating entity represents*
 5 *the diverse interests of the Heritage Area, includ-*
 6 *ing the Federal Government, State, tribal, and*
 7 *local governments, natural and historical re-*
 8 *source protection organizations, educational in-*
 9 *stitutions, businesses, recreational organizations,*
 10 *community residents, and private property own-*
 11 *ers;*

12 (B) *the local coordinating entity—*

13 (i) *has afforded adequate opportunity*
 14 *for public and Federal, State, tribal, and*
 15 *local governmental involvement (including*
 16 *through workshops and hearings) in the*
 17 *preparation of the management plan; and*

18 (ii) *provides for at least semiannual*
 19 *public meetings to ensure adequate imple-*
 20 *mentation of the management plan;*

21 (C) *the resource protection, enhancement,*
 22 *interpretation, funding, management, and devel-*
 23 *opment strategies described in the management*
 24 *plan, if implemented, would adequately protect,*
 25 *enhance, interpret, fund, manage, and develop*

1 *the natural, historical, cultural, educational, sce-*
 2 *nic, and recreational resources of the Heritage*
 3 *Area;*

4 *(D) the management plan would not ad-*
 5 *versely affect any activities authorized on Fed-*
 6 *eral land under public land laws or land use*
 7 *plans;*

8 *(E) the local coordinating entity has dem-*
 9 *onstrated the financial capability, in partner-*
 10 *ship with other interested parties, to carry out*
 11 *the plan;*

12 *(F) the Secretary has received adequate as-*
 13 *surances from the appropriate State, tribal, and*
 14 *local officials whose support is needed to ensure*
 15 *the effective implementation of the State, tribal,*
 16 *and local elements of the management plan; and*

17 *(G) the management plan demonstrates*
 18 *partnerships among the local coordinating enti-*
 19 *ty, Federal Government, State, tribal, and local*
 20 *governments, regional planning organizations,*
 21 *nonprofit organizations, or private sector parties*
 22 *for implementation of the management plan.*

23 *(4) DISAPPROVAL.—*

24 *(A) IN GENERAL.—If the Secretary dis-*
 25 *approves the management plan, the Secretary—*

1 (i) shall advise the local coordinating
2 entity in writing of the reasons for the dis-
3 approval; and

4 (ii) may make recommendations to the
5 local coordinating entity for revisions to the
6 management plan.

7 (B) *DEADLINE.*—Not later than 180 days
8 after receiving a revised management plan, the
9 Secretary shall approve or disapprove the revised
10 management plan.

11 (5) *AMENDMENTS.*—

12 (A) *IN GENERAL.*—An amendment to the
13 management plan that substantially alters the
14 purposes of the Heritage Area shall be reviewed
15 by the Secretary and approved or disapproved in
16 the same manner as the original management
17 plan.

18 (B) *IMPLEMENTATION.*—The local coordi-
19 nating entity shall not use Federal funds author-
20 ized by this Act to implement an amendment to
21 the management plan until the Secretary ap-
22 proves the amendment.

23 (6) *AUTHORITIES.*—The Secretary may—

1 (A) *provide technical assistance under the*
 2 *authority of this Act for the development and*
 3 *implementation of the management plan; and*

4 (B) *enter into cooperative agreements with*
 5 *interested parties to carry out this Act.*

6 **SEC. 5. EVALUATION; REPORT.**

7 (a) *IN GENERAL.*—Not later than 3 years before the
 8 *date on which authority for Federal funding terminates for*
 9 *the Heritage Area under this Act, the Secretary shall—*

10 (1) *conduct an evaluation of the accomplish-*
 11 *ments of the Heritage Area; and*

12 (2) *prepare a report in accordance with sub-*
 13 *section (c).*

14 (b) *EVALUATION.*—An evaluation conducted under
 15 *subsection (a)(1) shall—*

16 (1) *assess the progress of the local coordinating*
 17 *entity with respect to—*

18 (A) *accomplishing the purposes of the au-*
 19 *thorizing legislation for the Heritage Area; and*

20 (B) *achieving the goals and objectives of the*
 21 *approved management plan for the Heritage*
 22 *Area;*

23 (2) *analyze the Federal, State, tribal, local, and*
 24 *private investments in the Heritage Area to determine*
 25 *the impact of the investments; and*

1 (3) *review the management structure, partner-*
 2 *ship relationships, and funding of the Heritage Area*
 3 *for purposes of identifying the critical components for*
 4 *sustainability of the Heritage Area.*

5 (c) *REPORT.—Based on the evaluation conducted*
 6 *under subsection (a)(1), the Secretary shall submit to the*
 7 *Committee on Energy and Natural Resources of the Senate*
 8 *and the Committee on Natural Resources of the House of*
 9 *Representatives a report that includes recommendations for*
 10 *the future role of the National Park Service, if any, with*
 11 *respect to the Heritage Area.*

12 **SEC. 6. LOCAL COORDINATING ENTITY.**

13 (a) *DUTIES.—To further the purposes of the Heritage*
 14 *Area, in addition to developing the management plan for*
 15 *the Heritage Area under section 4, the local coordinating*
 16 *entity shall—*

17 (1) *serve to facilitate and expedite the implemen-*
 18 *tation of projects and programs among diverse part-*
 19 *ners in the Heritage Area;*

20 (2) *submit an annual report to the Secretary for*
 21 *each fiscal year for which the local coordinating enti-*
 22 *ty receives Federal funds under this Act, specifying—*

23 (A) *the specific performance goals and ac-*
 24 *complishments of the local coordinating entity;*

1 (B) the expenses and income of the local co-
2 ordinating entity;

3 (C) the amounts and sources of matching
4 funds;

5 (D) the amounts leveraged with Federal
6 funds and sources of the leveraging; and

7 (E) grants made to any other entities dur-
8 ing the fiscal year;

9 (3) make available for audit for each fiscal year
10 for which the local coordinating entity receives Fed-
11 eral funds under this Act, all information pertaining
12 to the expenditure of the funds and any matching
13 funds; and

14 (4) encourage economic viability and sustain-
15 ability that is consistent with the purposes of the Her-
16 itage Area.

17 (b) *AUTHORITIES.*—For the purpose of preparing and
18 implementing the approved management plan for the Her-
19 itage Area under section 4, the local coordinating entity
20 may use Federal funds made available under this Act—

21 (1) to make grants to political jurisdictions, non-
22 profit organizations, and other parties within the
23 Heritage Area;

24 (2) to enter into cooperative agreements with or
25 provide technical assistance to political jurisdictions,

1 *nonprofit organizations, Federal agencies, and other*
 2 *interested parties;*

3 *(3) to hire and compensate staff, including indi-*
 4 *viduals with expertise in—*

5 *(A) natural, historical, cultural, edu-*
 6 *cational, scenic, and recreational resource con-*
 7 *servation;*

8 *(B) economic and community development;*
 9 *and*

10 *(C) heritage planning;*

11 *(4) to obtain funds or services from any source,*
 12 *including other Federal programs;*

13 *(5) to enter into contracts for goods or services;*
 14 *and*

15 *(6) to support activities of partners and any*
 16 *other activities that further the purposes of the Herit-*
 17 *age Area and are consistent with the approved man-*
 18 *agement plan.*

19 *(c) PROHIBITION ON ACQUISITION OF REAL PROP-*
 20 *ERTY.—The local coordinating entity may not use Federal*
 21 *funds authorized under this Act to acquire any interest in*
 22 *real property.*

1 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

2 (a) *IN GENERAL.*—*Nothing in this Act affects the au-*
 3 *thority of a Federal agency to provide technical or financial*
 4 *assistance under any other provision of law.*

5 (b) *CONSULTATION AND COORDINATION.*—*The head of*
 6 *any Federal agency planning to conduct activities that may*
 7 *have an impact on a Heritage Area is encouraged to consult*
 8 *and coordinate the activities with the Secretary and the*
 9 *local coordinating entity, to the maximum extent prac-*
 10 *ticable.*

11 (c) *OTHER FEDERAL AGENCIES.*—*Nothing in this*
 12 *Act—*

13 (1) *modifies, alters, or amends any law (includ-*
 14 *ing a regulation) authorizing a Federal agency to*
 15 *manage Federal land under the jurisdiction of the*
 16 *Federal agency;*

17 (2) *limits the discretion of a Federal land man-*
 18 *ager to implement an approved land use plan within*
 19 *the boundaries of a Heritage Area; or*

20 (3) *modifies, alters, or amends any authorized*
 21 *use of Federal land under the jurisdiction of a Fed-*
 22 *eral agency.*

23 **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 24 **TIONS.**

25 *Nothing in this Act—*

1 (1) abridges the rights of any property owner
2 (whether public or private), including the right to re-
3 frain from participating in any plan, project, pro-
4 gram, or activity conducted within the Heritage Area;

5 (2) requires any property owner to permit public
6 access (including access by Federal, State, tribal, or
7 local agencies) to the property of the property owner,
8 or to modify public access or use of property of the
9 property owner under any other Federal, State, trib-
10 al, or local law;

11 (3) alters any duly adopted land use regulation,
12 approved land use plan, or other regulatory authority
13 (such as the authority to make safety improvements
14 or increase the capacity of existing roads or to con-
15 struct new roads) of any Federal, State, tribal, or
16 local agency, or conveys any land use or other regu-
17 latory authority to any local coordinating entity, in-
18 cluding development and management of energy or
19 water or water-related infrastructure;

20 (4) authorizes or implies the reservation or ap-
21 propriation of water or water rights;

22 (5) diminishes the authority of any State to
23 manage fish and wildlife, including the regulation of
24 fishing and hunting within the Heritage Area; or

1 (6) *creates any liability, or affects any liability*
 2 *under any other law, of any private property owner*
 3 *with respect to any person injured on the private*
 4 *property.*

5 **SEC. 9. FUNDING.**

6 (a) *AUTHORIZATION OF APPROPRIATIONS.—Subject to*
 7 *subsection (b), there is authorized to be appropriated to*
 8 *carry out this Act \$1,000,000 for each fiscal year, to remain*
 9 *available until expended.*

10 (b) *LIMITATION ON TOTAL AMOUNTS APPRO-*
 11 *PRIATED.—Not more than a total of \$10,000,000 may be*
 12 *made available to carry out this Act.*

13 (c) *COST-SHARING.—*

14 (1) *IN GENERAL.—The Federal share of the total*
 15 *cost of any activity carried out under this Act shall*
 16 *not exceed 50 percent.*

17 (2) *FORM OF NON-FEDERAL SHARE.—The non-*
 18 *Federal share of the cost of any activity carried out*
 19 *under this Act may be provided in the form of in-*
 20 *kind contributions of goods or services fairly valued.*

Calendar No. 995

110TH CONGRESS
2^D Session

S. 3045

A BILL

To establish the Kenai Mountains-Turnagain Arm
National Forest Heritage Area in the State of
Alaska, and for other purposes.

SEPTEMBER 16, 2008

Reported with an amendment